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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/867,763	05/31/2001	David Anthony Gawler	5034	6099
26936	7590	11/29/2005	EXAMINER	
SHOEMAKER AND MATTARE, LTD			BASS, JON M	
10 POST OFFICE ROAD - SUITE 110			ART UNIT	PAPER NUMBER
SILVER SPRING, MD 20910			3639	

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/867,763	GAWLER, DAVID ANTHONY
	<b>Examiner</b>	<b>Art Unit</b>
	Jon Bass	3639

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 31 May 2001.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-32 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

**Response to Amendment**

1. This is in response to an amendment filed on September 30, 2005, for patent letter filed on May 31, 2001. In the amendment, claims 1-32 are pending in this application. No claims have been amended.

**Response to Arguments**

2. Applicants arguments filed on September 30, 2005 have been fully considered but are not persuasive.
3. Applicant argues that the prior art by Kara (U.S. 5,510,992) fails to teach the inventive concept of “depiction of postage indicium to be printed on a mail item, which includes a plurality of data items which are modifiable by a user, and more particularly provides for the selection of any one of the data items from within the depicted postage indicium, in particular by a screen pointing device, such as a mouse, a tracker ball, a touch pad or a touch screen”. The Examiner respectfully disagrees with the applicant’s characterization of the prior art’s inventive concept. Kara mentions in {column 2, lines 24-25} that the system automatically provides placement of postage of mail. In other words postage is printed on the mail item. Kara further explains in {column 2, lines 33-36}, that the processor based system is used to access the storage means and retrieve a portion of this stored amount of postage for printing on an envelope or label. In addition, Kara discloses in {column 2, lines 40-50} that a PC (personal computer) is used to store the program and used to input request from the user on the amount desired. A Personal Computer is normally equipped with a mouse, a tracker ball or a touch screen. Kara explains in

{column 4, lines 44-46} that Figure 1 has a CPU, display, keyboard and mouse. This is used for the user to add or to modify their selections. In {column 3, lines 15-20} Kara mentions that TMU and the EStamp program will print a stamp (indicia) through a printing device onto the envelope or label. On the same accord, Kara discloses that the program is able to receive and retrieve data pertaining to postage amounts, which directly relates to items that can be selected from within the postage indicium.

4. Applicant argues that the prior art by Gil (US No: 5,868,757) fails to teach “batches of mail to a remote data center, the receipt of messages from the remote data center as an acknowledgment in reply to each transmitted message, and the displaying of message areas corresponding to each transmitted message, where the message areas have a first visual appearance on transmission of the respective messages to the remote data center and a second, different visual appearance on receipt of the respective messages from the remote data center”. The Examiner respectfully disagrees with the applicant’s characterization of the prior art’s inventive concept. Gil discloses in {column 3, lines 3-6} that the postage will be brought electronically, either by bringing the post office control unit to a post office or by using a modem unit to directly connected to the control unit to the post office computer. Gil further explains in {column 4, lines 11-20} that in figure one, an electronic display screen is a split two sections. Gil’s invention is capable of displaying a visual appearance of messages and the items. In addition, Gil acknowledges in {column 4, lines 39-43} that a Post Office Control Unit is in connection with the control bus, which means that messages can be checked and transmitted to other

locations. The remote data center is the Post Office Control Unit. Gil also discloses in {column 6, lines 65-66} that the electronic display will display a message.

5. The rejections made by Kara and Gil remain due to all the reasons stated within the Office Actions and for all the reasons mentioned above. The Examiner notes that if any questions need to be addressed, the Examiner can be reached Monday- Friday 9-6pm.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Salim Kara (US Patent Number 5,510,992).**

**As Per Claim 1:**

A mail preparation system, including:

a postage charge dispenser configured to generate postage indicia and account for postage charges;

a printer operable to print the postage indicia as generated by the postage charge dispenser on mail items, (Fig 1, element 19, printer/ label maker);  
a display, (Fig 1, element 13; display);  
a controller (Fig 1, element 16; mouse) for driving the display to display a depiction of a postage indicium to be printed on a mail item, the depicted postage indicium including a plurality of data items modifiable by a user, which data items, (Fig 6, elements 60,607,608, 609,& 60; data items) include at least one data item related to postage charge, (Fig 1, element 601; postage charge) and being operable to provide data representative of the data items to the postage charge dispenser, (Fig 6, element 601, postage charge);  
a data item selector operable by the user to select any one of the data items in the depicted postage indicium, (Fig 6, element 601; postage indicium) and cause the controller to drive the display to display a plurality of possible item entries for the selected data item; and  
an item entry selector operable by the user to select one of the possible item entries for the selected data item and cause the controller to drive the display to display a modified depiction of the postage indicium including the selected item entry for the data item.

**As Per Claim 2:**

Kara discloses a method and system of wherein the data item selector comprises a screen-pointing device, (Fig 1, element 13,15 &16; display, keyboard and mouse).

**As Per Claim 3:**

Kara discloses a method and system of wherein the screen-pointing device comprises one of a mouse, a tracker ball, a touch pad or a touch screen, (Fig 1, element 13,15 &16; display, keyboard and mouse).

**As Per Claim 4:**

Kara discloses a method and system of wherein the item entry selector comprises a screen-pointing device, (Fig 1, element 13,15 &16; display, keyboard and mouse).

**As Per Claim 5:**

Kara discloses a method and system of wherein the screen-pointing device comprises one of a mouse, a tracker ball, a touch pad or a touch screen, (Fig 1, element 13,15 &16; display, keyboard and mouse).

**As Per Claim 6:**

Kara discloses a method and system wherein the possible item entries for the selected data item are superimposed on the depiction of the postage indicium,(Fig 6, postage indicium).

**As Per Claims 7 and 15:**

Kara discloses a method and system wherein the data items include postage value, (Fig 6, element 601; postage value).

**As Per Claims 8 and 16:**

Kara discloses a method and system wherein the data items include postage class, (Fig 6, element 601; postage class).

**As Per Claims 9 and 17:**

Kara discloses a method and system of wherein the data items include date, (Fig 6, element 601; date).

**As Per Claims 10 and 18:**

Kara discloses a method and system of wherein the data items include destination (Fig 6, element 605; address box).

**As Per Claims 11 and 19:**

Kara discloses a method and system of wherein the destinations are represented on a map, (Fig 6, element 608; international destination).

**As Per Claim 12:**

Kara discloses a method and system of further including:

a weighscale for determining the weight of mail items, the weighscale being operable to provide data representative of the weight of a mail item to the controller and the controller being configured automatically to select the postage value for the mail item (Fig 1, element 103; scale and weight unit).

**As Per Claim 13:**

Kara discloses a method and system of preparing mail items, including the steps of:

displaying a depiction of a postage indicium to be printed on a mail item, the depicted postage indicium including a plurality of data items modifiable by a user, which data items include at least one data item related to postage charge;

selecting one of the data items in the depicted postage indicium to be modified;

displaying a plurality of possible item entries for the selected data item;

selecting one of the possible item entries for the selected data item;

displaying a modified depiction of the postage indicium including the selected item entry for the data item;

generating a postage indicium corresponding to the modified depiction of the postage indicium; and

printing the postage indicium on a mail item, (Fig 6, method for preparing mail items).

**As Per Claim 14:**

Kara discloses a method and system wherein the possible item entries for the selected data item are superimposed on the depiction of the postage indicium, (Fig 6, postage indicium).

**As Per Claim 20:**

Kara discloses a method and system of further including the step of: weighing the mail item, whereby the weight of the mail item is utilised automatically to select the postage value for the mail item, (Fig 1, element 103; scale and weight unit).

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 21-32** are rejected under 35 U.S.C. 102(b) as being anticipated by Asher Gil (US Patent Number 4,868,757).

**As Per Claim 21:**

Gil discloses a method and system preparation system for preparing batches of mail, the system including:

a message transmitter operable to transmit messages relating to batches of mail to a remote data center;

a message receiver for receiving messages from the remote data center as an acknowledgement in reply to each transmitted message;

a display for displaying message areas corresponding to each transmitted message; and

a controller for operating the display to display the message areas with a first visual appearance on transmission of the respective messages to the remote data center and a second, different visual appearance on receipt of the respective messages from the remote data center, (Fig 5, displaying the interconnection in combination with mailing address apparatus).

**As Per Claim 22:**

Gil discloses a method and system wherein the controller includes a time-out function for displaying message areas with a third, different visual appearance where a message is not received from the remote data center within a predetermined period of time following transmission of the message to the remote data center, (Fig 1, element 1; electronic display screen).

**As Per Claims 23, 28 and 29:**

Gil discloses a method and system wherein the different visual appearances are represented by different colours, (Fig 1, element 1; electronic display screen).

**As Per Claims 24 and 30:**

Gil discloses a method and system wherein the different visual appearances are represented by different shades, (Fig 1, element 1; electronic display screen).

**As Per Claims 25 and 31:**

Gil discloses a method and system wherein the different visual appearances are represented by different patterns, (Fig 1, element 1; electronic display screen).

**As Per Claims 26 and 32:**

Gil discloses a method and system wherein the different visual appearances are represented by different characters, (Fig 1, element 1; electronic display screen).

**As Per Claim 27:**

Gil discloses a method and system of preparing batches of mail, the method including the steps of: transmitting messages relating to batches of mail to a remote data center;

receiving messages from the remote data center as an acknowledgement in reply to the transmitted messages; and

displaying message areas on a display corresponding to each transmitted message, the message areas being displayed with a first visual appearance on transmission of the

respective messages to the remote data center and a second, different visual appearance on receipt of the respective messages from the remote data center (Fig 5, displaying the interconnection in combination with mailing address apparatus).

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any concerns in regard to this communication, the examiner **Jon Bass** can be reached at **(571) 272-6905** between the hours of **9-6pm Monday through Friday**. The fax number for the establishment where the application is being process is **(571) 273-8300**.

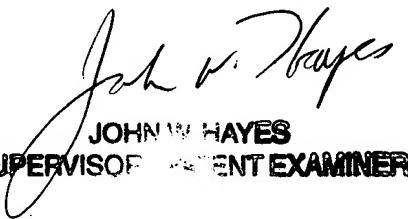
If an attempt to reach the examiner is unsuccessful for any reason, the examiner's immediate supervisor, **John Hayes** can be reached at **(571) 272-6708**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained

from either Private PAIR or Public PAIR. Status information for unpublished is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-271-9197 (toll free).

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
C/O Technology Center 3600  
Washington, D.C. 20231



JOHN W. HAYES  
SUPERVISOR - PENT EXAMINER